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Reference No. 1996045

IN THE THIRD DISTRICT COURT, SALT LAKE CITY DEPARTMENT
SALT LAKE COUNTY, STATE OF UTAH

NAR INC

Plaintiff,

v.

ELIZABETH HERNANDEZ

Defendant(s).

REQUEST OF HEARING

Case No. 209913641

JUDGE MARK KOURIS

1. Complete paragraph one if you claim the property executed upon is exempt:

- ☐ (a) The Property which has been executed upon is exempt from execution because it is (Check applicable boxes):
- ☐ Homestead up to the amount allowed by law
 - ☐ A motor vehicle used in trade or business and having a value below allowed by law
 - ☐ Tools of the trade
 - ☐ Social Security Benefits
 - ☐ Supplemental Security Income
 - ☐ Veterans' Benefits
 - ☐ Unemployment Benefits
 - ☐ Worker's Compensation Benefits
 - ☐ Public Assistance (Welfare)
 - ☐ Alimony or Child Support
 - ☐ Pensions
 - ☐ Wages or other earnings from personal services
 - ☐ Owned by another person
 - ☐ Only partly owned by me
 - ☐ Certain tools of the trade below the value allowed by law
 - ☐ Certain furnishings and appliances
 - ☐ Certain musical instruments
 - ☐ Certain heirlooms
 - ☐ Other (describe): _____

() (b) Check if applicable: I have attached copies of the documents that show that my property is exempt.

2. Complete paragraph two if you believe the Writ of Execution was improperly issued.

(✓) (a) I believe that the Writ of Execution was issued improperly. (Explain) I am not the person, the Elizabeth Hernandez, on this case.
Please see below

() (b) Check if applicable: I claim ownership of all or part of the property taken and I am not one of the persons against whom a judgment has been entered.

() (c) Check if applicable: I do not own the property taken.

I REQUEST THAT THIS MATTER BE SET FOR A HEARING.

THE STATEMENTS MADE IN THIS REQUEST ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED this 18 day of September, 2023.

[Signature]
SIGNATURE

5049 W Corilyn Cir
ADDRESS

801-870-1509
TELEPHONE

West Valley City, UT 84120
CITY, STATE, ZIP CODE

This is a communication from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

*Mid August I received in the mail a letter from Constable Rob Koltman notifying me of a writ of Execution. Other than the amount owed, there was no details; who the money was owed to, when the case happened, etc. My husband called the Constable and was told they would send more information.

Mid September I received a packet from the Constable, but it still didn't have much details; no name of the Plaintiff, details on 'Elizabeth Hernandez,' so it was not of much help.

On September 14, the day I received the packet, I called Utah State courts and they provided me a copy of the Default Judgment, which has information on the 'Elizabeth Hernandez' on this case. Other than having the same first and last name, nothing else matches. I don't live, nor have I ever lived at this Magna address. The DOB listed is not my DOB. The last four numbers of the SSN are not the last four numbers of my SSN.

I would like a hearing to have my address and any other of my information removed from this case. And also to bring to the attention of the court that Constable Rob Koltman is not doing his job before sending out writ of Execution to make sure it is the correct person.

NOTICE OF EXECUTION, EXEMPTIONS AND RIGHT TO A HEARING.

IMPORTANT: YOUR PROPERTY MAY BE TAKEN TO PAY A CREDITOR. PLEASE READ THIS CAREFULLY.

The attached Writ of Execution has been issued on request of a judgment creditor (the Plaintiff) who sued you and won and got a judgment against you. This means that land or personal property owned by you may be taken by the Plaintiff to pay a judgment against you.

The law provides that certain property cannot be taken to pay judgments. Such property is said to be exempt. The following is a partial list of funds that are exempt:

1. A homestead up to the amount allowed by law (see Utah Code, Section 78-23-4 regarding the proper procedure to declare and file a homestead)
2. A motor vehicle used in trade or business up to the amount allowed by law
3. Tools of the trade up to the amount allowed by law
4. Security Benefits
5. Supplemental Security Income Benefits (SSI)
6. Veteran's Benefits
7. Unemployment Benefits
8. Workers Compensation Benefits
9. Public Assistance (Welfare)
10. Alimony or Child Support
11. Certain Pensions
12. Part of all of wages or other earnings from personal services
13. Certain furnishings and appliances
14. Certain musical instruments
15. Certain heirlooms

This is a partial list and other various property exemptions may be available under federal law or the Utah Exemption Statute. You may want to review the Utah Exemption Statute (Section 78-23 of the Utah Code) for other possible exemptions.

There is no exemption solely because you are having difficulty paying your debts.

The above exemptions may not apply to judgments for alimony and child support.

If there is a co-owner of the property taken, you or the co-owner should request a hearing.

IF THE PROPERTY DOES NOT BELONG TO YOU, OR IF YOU ARE AWARE OF OTHER REASONS WHY THIS PROPERTY SHOULD NOT BE TAKEN, YOU OR THE OWNER OF THE PROPERTY MAY WANT TO CONSULT AN ATTORNEY.

Because of the execution, the sheriff or constable has seized your property and will deliver it to the Plaintiff or sell it.